

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MITSUBISHI MOTOR CREDIT OF
AMERICA, INC.,,

Plaintiff,

-against-

COUNTRY MOTORS LLC, MICHAEL A.
CARUSO and STEVEN M. GAJESKI.,
Defendants.

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ORDER

Civil Action No. 007-3528

APPEARANCES:

Deily, Mooney, & Glastetter, LLP

Attorneys for Plaintiff

8 Thurlow Terrace

Albany, NY 12203

By: Richard Cromwell Maider, Esq.

Raymond A. Peck, Jr. Attorney at Law

Attorneys for Defendants

35 Montauk Highway, Suite B

Southampton, NY 11968

By: Raymond A. Peck, Esq.

HURLEY, Senior District Judge:

On July 18, 2008 Magistrate Judge E. Thomas Boyle issued a Report and Recommendation (the "Report") recommending that Plaintiff's motion for summary judgment be granted in its entirety and that plaintiff be awarded judgment against the defendants, jointly and severally, in the amount of \$335,188.91, which represents the following: (1) \$25,771.15 due and owing under the Motor Vehicle Inventory Loan and Security Agreement; (2) \$296,138.58 due and owing under the Installment Note; and (3) attorney's fees and cost in the amount of \$13,279.18. More than ten (10) days have elapsed since service of the Report, and neither party

has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the July 18, 2008 Report of Judge Boyle as if set forth herein. The Court therefore directs that Plaintiff recover from the Defendants, jointly and severally, the amount of \$335,188.91 and that judgment be entered accordingly. Upon entry of judgment, the Clerk of Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
August 5, 2008

/s/

Denis R. Hurley,
United States District Judge